



October 30, 2001

Magalie Roman-Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington D.C. 20544

Re: Correction to Notice of Oral *Ex Parte* Presentation  
EB Docket 01-66  
MM 99-25

Dear Ms. Roman-Salas:

On October 26, 2001 the Media Access Project ("MAP") filed a notice of *ex parte* presentation, pursuant to Section 1.1206(b)(2) of the Commission's rules memorializing a meeting held on Thursday, October 25, 2001 between Cheryl Leanza and MAP intern Joseph Sabin; Linda Blair, George Dillon, and Bonnie Gay of the Commission's Enforcement Bureau; and Brian Butler of the Commission's Mass Media Bureau.

By accident, an incomplete version was submitted. This version supplements and replaces the incomplete version accidentally filed on October 26, 2001.

Respectfully Submitted,

Harold Feld  
Associate Director



October 26, 2001

Magalie Roman-Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington D.C. 20544

Re: Notice of Oral *Ex Parte* Presentation  
EB Docket 01-66  
MM 99-25

Dear Ms. Roman-Salas:

Pursuant to Section 1.1206(b)(2) of the Commission's rules, this letter memorializes a meeting held on Thursday, October 25, 2001 between Cheryl Leanza and her intern Joseph Sabin of the Media Access Project ("MAP"); Linda Blair, George Dillon, and Bonnie Gay of the Commission's Enforcement Bureau; and Brian Butler of the Commission's Mass Media Bureau.

We reviewed an *ex parte* letter already submitted to the Commission by MAP on October 10, 2001, which discusses LPFM stations' ability to comply with their emergency alert system obligations. The full extent of our presentation is included in the attached letter and affidavit.

Respectfully Submitted,

Cheryl A. Leanza  
Deputy Director



October 10, 2001

Bonnie Gay  
Federal Communications Commission  
Enforcement Bureau  
Technical and Public Safety Division  
445 12<sup>th</sup> St., SW  
Room 7A830  
Washington D.C. 20544

Re: *Ex Parte* material for EB Docket No. 01-66

Dear Ms. Gay:

As you may know, last year the Federal Communications Commission (“Commission”) initiated a new noncommercial broadcast service, entitled low power radio, or LPFM.<sup>1</sup> The Commission adopted special EAS rules for LPFM. UCC *et al.* would like to raise certain EAS issues in this docket, where they can be considered by the Enforcement Bureau, Technical and Public Safety Division (“EB/TPSD”) staff in conjunction with other EAS issues.

The core licensee community for LPFM stations comes primarily from local community groups in smaller markets that seek a communications medium within which they may provide local information. Due to their small size and noncommercial status, these stations must start and perpetuate operations on a tremendously limited budget. Currently, the start-up cost for a LPFM station can be as low as \$10,000.

Recognizing the budgetary constraints under which these stations operate, the Commission modified the EAS rules as they apply to LPFM stations. The Commission determined LPFM stations must use Commission-certified decoders, but not the certified decoder-encoders required of full power stations.

When the Commission imposed this requirement, it acknowledged that certified decoders were not currently available.<sup>2</sup> The Commission assumed that certified decoders would become available at a cost similar to non-certified decoders. Unfortunately, certified decoders are still not available on the market.<sup>3</sup> Moreover, such decoders are unlikely to become available because adding a memory function in order to achieve certification would be expensive and therefore

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<sup>1</sup> See generally *Creation of Low Power Radio Service, First Report and Order (“Report and Order”)*, 15 FCC Rcd 2205 (2000).

<sup>2</sup> *Id.* at 2282, ¶ 196.

<sup>3</sup> See Declaration of Darryl Parker, attached.

unobtainable to limited budget LPFM stations. Estimates have placed market cost of a Commission-certified decoder at or near that of a combined encoder/decoder system.<sup>4</sup> In light of this prevailing reality and in keeping with the Commission's recognition that mandating a cost of this degree upon an LPFM station is unreasonable, the Commission should consider alternative LPFM station EAS requirements to mitigate this burden.

UCC *et al.* request the opportunity to discuss alternative solutions to this issue with members of EB/TPSD. Several options are possible. The Commission could change the certification criteria for LPFM decoders. Or the FCC could require LPFM stations to use uncertified decoders to identify emergency messages.<sup>5</sup> If the Commission is concerned about the reliability of uncertified equipment, it could require uncertified equipment be tested regularly.

A third alternative is to temporarily exempt LPFM stations. The Commission could adopt a blanket waiver until such time the market supports the development of less cost prohibitive solutions.<sup>6</sup>

Although UCC *et al.* raised these issues in a Petition for Reconsideration filed in MM Docket 99-25, UCC *et al.* believes that this issue may be better addressed as part of the review of EAS policies taking place in this docket. In particular, now that at least 5 LPFM stations have begun broadcasting, the question of how these stations should comply with EAS rules must be addressed quickly.

We look forward to meeting with you on Thursday, October 25<sup>th</sup> at 12:00pm.

Respectfully Submitted,

Cheryl A. Leanza  
Deputy Director

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<sup>4</sup> *Id.*

<sup>5</sup> See UCC *et al. Petition for Reconsideration or In the Alternative, Clarification*, MM Docket No. 99-25 at 8. (filed June 11, 2001).

<sup>6</sup> See *Report and Order* at 2282, ¶¶ 196-197 (2001).

## AFFIDAVIT OF DARRYL PARKER

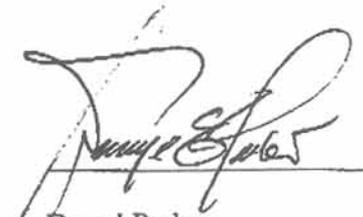
1. I am Darryl E. Parker, Senior Vice President of TFT, Inc. ("TFT"), a senior member of the Society of Broadcast Engineers, with over thirty years of experience in broadcast engineering and manufacturing. TFT, founded in 1970, manufactures a wide range of EAS equipment, including Type Certified EAS Encoder/Decoders. TFT additionally manufactures modulation monitors and studio-to-transmitter link equipment used by the broadcast industry. I am knowledgeable about such equipment and am familiar with the Federal Communications Commission's requirements for EAS equipment.

2. TFT does not manufacture Type Certified EAS decoders alone. TFT does manufacture EAS decoders that do not require Type Certification because they are not marketed to the broadcast or cable television markets. I am not aware of any plans by TFT or by other manufacturers to offer stand-alone, FCC Type Certified EAS decoders.

3. If TFT were to offer certified EAS decoders, the expense of obtaining certification would increase the expense of the EAS decoder to a price similar to that of a EAS encoder/decoder. The increased cost would be caused by complying with the FCC's certification requirement that EAS equipment be capable of storing the most recent ten messages in a non-volatile medium as required by CFR 47, Part 11, Subpart B, 11.33(a)(3).

4. Non-Type Certified EAS equipment for consumer and industrial markets is available at a very low cost, approximately \$70.00, that would aurally announce any emergency in a specific geographic area. This equipment could be modified inexpensively to interface to equipment that would interrupt a broadcast stream automatically with an emergency alert, warning, or test.

5. I certify the above to be true to the best of my knowledge.

  
Darryl Parker  
Senior Vice President  
TFT, Inc.

June 11, 2001  
date